

A PUBLICATION OF THE NEW JERSEY DIVISION OF PENSIONS AND BENEFITS

Enrollment Eligibility and Age Limits

Police and Firemen's Retirement System

ELIGIBILITY CRITERIA

Enrollment in the Police and Firemen's Retirement System (PFRS) is required for permanent, full-time employees appointed to positions in law enforcement or fire fighting in the State of New Jersey. Please visit the Division's Internet page at www.state.nj.us/treasury/pensions for a listing of covered positions. Generally, the date of enrollment in the PFRS for employees hired by a Civil Service employer is the date of permanent appointment to the position, or the date of hire for employees hired by a Non-Civil Service employer, *even if the hiree has yet to complete law enforcement or fire fighter training*. It is the employer's responsibility to ensure that a candidate completes the training requirements for the position. If a candidate fails to complete these requirements, the employer should advise the Division of Pensions and Benefits. Enrollment usually takes about two months to process and requires the submission of an *Enrollment Application* and a *Report of Examining Physician*.

MAXIMUM AGE LIMIT-BACKGROUND

New Jersey statutes and the New Jersey Administrative Code establish a maximum enrollment age for the PFRS. These provisions were superseded in 1993 by the federal Age Discrimination in Employment Act (ADEA) so that the state statutes and code could not be enforced. In 1996, the federal government eliminated the ADEA restrictions which applied to the PFRS governing statutes, and in Formal Opinion No. 1, published on February 25, 1997, the State Attorney General stated that the age restrictions must be enforced.

MAXIMUM AGE LIMIT-REQUIREMENTS

For Title 11 (Civil Service) Employers: The age of the candidate is determined at the announced closing date for the Civil Service examination. Candidates must not be one day past their 35th birthday on the announced closing date of the Civil Service examination. Those candidates meeting age requirements at that time will be considered as having met the age

maximum requirement for the duration of the Civil Service list. (N.J.S.A. 43:16A-3(1))

For Non-Civil Service Employers: Employees must be appointed on or before their 35th birthday to qualify for enrollment. (N.J.S.A. 43:16A-3(1))

EXCEPTIONS TO MAXIMUM AGE LIMIT

There are "exceptions" to the age rule that sometimes lead to confusion. Since each employer is responsible for knowing the pension eligibility requirements for employees, the following guidelines should clarify the rules for more complex enrollment cases. If employees are applying any of the exceptions to the maximum age limit, they should submit proof of those exceptions with their enrollment applications.

- In accordance with N.J.A.C. 17:4-2.5 and N.J.S.A. 43:1-1.1, eligible periods of military service during times of war or conflict may be used to "reduce" enrollment age. Such military service must have occurred during periods outlined in the Employer's Pensions and Benefits Administration Manual (E-PBAM) or the PFRS Member Handbook as qualifying for "Veteran Status" for pension purposes and must have been served in the area of conflict. For example, if an individual who is 35 years and 6 months old at the date of appointment saw active military service in the Arabian peninsula and the Persian Gulf as part of Operation Desert Storm/Shield from September 1, 1990 to August 31, 1991, this year of active service may be "subtracted" from the candidate's chronological age to yield an enrollment age of 34 years and 6 months. This age reduction would permit enrollment in PFRS.
- In accordance with N.J.S.A. 40A:14-127.1, any former State trooper, sheriff's officer or deputy, or county or municipal policeman is permitted to use previous service as a police officer to reduce actual age in order to meet the maximum age requirement of 35 years for the position of a municipal police officer. Prior experi-

ence in federal law enforcement agencies or in law enforcement agencies of other states would also qualify for the purpose of reducing the candidate's age for the position of a municipal police officer. In any case, no person may be appointed over the age of 45 except for those who were previously involuntarily terminated from their former employment.

- "Age reductions" may also be granted for persons seeking employment as municipal police officers who have prior service with the Delaware River Port Authority Police, Amtrak or SEPTA police departments.
- While volunteer firefighters may be appointed to paid positions, within part-paid fire departments up to age 40 (N.J.S.A. 40A:14-44), any such firefighter over age 35 is eligible for enrollment in the Public Employees' Retirement System (PERS), but not the PFRS.

CANDIDATES WHO EXCEED THE AGE LIMIT

Individuals employed by the **State of New Jersey** or any **county**, as well as **volunteer firefighters hired by a municipality or fire district**, who exceed the maximum age requirement for membership in PFRS, but who are otherwise eligible for the position, must establish membership in Public Employees' Retirement System (PERS) under the following conditions.

- Immediately upon being permanently appointed to a position with a Civil Service employer.
- After serving provisionally in an eligible title for one year with a Civil Service employer.
- After being employed for one year in a temporary position with a Non-Civil Service employer.

Individuals seeking employment with a **municipality**

in an eligible PFRS title who are over age 35 on the closing date of the examination with a Civil Service employer or over age 35 on the date of hire with a Non-Civil Service employer, even after "reductions in age" have been taken into account, cannot establish membership in any State-administered retirement system. Since enrollment in the PFRS is a condition of employment (N.J.S.A. 43:16A-3(1)), these individuals cannot be hired.

CANDIDATES EMPLOYED PART-TIME, UNDER AGE 35

Employees who are "part-time" officers should be enrolled into PERS if they are otherwise eligible for enrollment. They cannot be enrolled in the PFRS.

CANDIDATES AWAITING PERMANENT APPOINTMENT

In accordance with N.J.A.C. 17:2-2.8, employees, otherwise eligible for enrollment who are temporary or provisional pending an examination, must be enrolled in the PERS one year after being employed in the title. After an employee fulfills the enrollment requirements, including age, for the PFRS, the PERS membership may be eligible for transfer into the PFRS.

MORE INFORMATION

If you have specific questions regarding PFRS enrollment, you may write to the Division of Pensions and Benefits, Enrollments Bureau, PO Box 295, Trenton, NJ 08625-0295, or e-mail us at:

pensions.nj@treas.state.nj.us

This fact sheet has been produced and distributed by:

**New Jersey Division of Pensions and Benefits • PO Box 295 • Trenton, New Jersey 08625-0295
(609) 292-7524 • TDD for the hearing impaired (609) 292-7718**

URL: <http://www.state.nj.us/treasury/pensions> • E-mail: pensions.nj@treas.state.nj.us

This fact sheet is a summary and not intended to provide total information.
Although every attempt at accuracy is made, it cannot be guaranteed.
